



Paper No. 25

HOFFMANN-LA ROCHE INC.  
PATENT LAW DEPARTMENT  
340 KINGSLAND STREET  
NUTLEY NJ 07110

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**NOV 18 2003**

**OFFICE OF PETITIONS**

In re Application of  
Esswein, et al.  
Application No. 09/675,943  
Filed: September 29, 2000  
Attorney Docket No. 9486  
FOR: OSTEOBLAST-SPECIFIC MITOGENS  
AND DRUGS CONTAINING SUCH  
COMPOUNDS

DECISION GRANTING  
PETITION

This is a decision on the reconsideration petition under 37 CFR 1.137(a), filed June 16, 2003 (certificate of mailing date June 12, 2003), to revive the above-identified application.

The above-identified application became abandoned for failure to timely reply to the non-final rejection, mailed July 10, 2002, which set an extendable period for reply of three (3) months. Having obtained no extensions of time under 37 CFR 1.136(a), this application became abandoned on October 11, 2002 for failing to reply. A Notice of Abandonment was mailed on January 23, 2003.

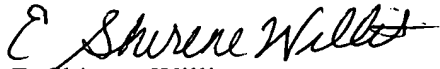
With the instant filing, petitioner has provided adequate evidence to show that the delay in submitting a timely reply to July 10, 2002 non-final rejection was unavoidable. Petitioner has provided a copy of the docketing records where the July 10, 2002 non-final rejection would have been entered had it been received, as well as a copy of the front of the file jacket. Petitioner has referenced the docketing records and the front of the file jacket in a practitioner's statement. Petitioner states that a thorough search of the application file and docket records was conducted and attests to the fact that the July 10, 2002 non-final rejection was not received by petitioner.

The petition under 37 CFR 1.137(a) is **GRANTED**.

Office financial records indicate that petitioner was charged two \$110.00 petition fees. One of the fees will be credited to deposit account no. 08-2525.

The application will be returned to Technology Center 1600 for consideration of the amendment filed on June 16, 2003 (certificate of mailing date June 12, 2003).

Telephone inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, appearing to read "E. Shirene Willis".

E. Shirene Willis  
Senior Petitions Attorney  
Office of Petitions